112TH CONGRESS
1ST SESSION

H. R. 2830

To authorize appropriations for fiscal years 2012 and 2013 for the Trafficking Victims Protection Act of 2000, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 30, 2011

Mr. SMITH of New Jersey (for himself and Mr. BERMAN) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Armed Services, Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize appropriations for fiscal years 2012 and 2013 for the Trafficking Victims Protection Act of 2000, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

3 (a) SHORT TITLE.—This Act may be cited as the “Trafficking Victims Protection Reauthorization Act of 2011”.

4 (b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—COMBATING INTERNATIONAL TRAFFICKING IN PERSONS

Sec. 101. Authority to restrict passports.
Sec. 102. Office To Monitor and Combat Modern Slavery and Other Forms of Human Trafficking.
Sec. 103. Prevention of trafficking.
Sec. 104. Reports to Congress.
Sec. 105. Temporary increase in fee for certain consular services.
Sec. 106. Additional activities to monitor and combat forced labor and child labor.
Sec. 107. Enhancing protection for children exploited abroad by United States citizens and permanent resident aliens.

TITLE II—COMBATING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Amendments to the Trafficking Victims Protection Act of 2000

Sec. 201. Interagency Task Force To Monitor and Combat Trafficking.
Sec. 203. Assistance for victims of trafficking.
Sec. 204. Ensuring timely response to requests for continued presence.
Sec. 205. Report to Congress.

Subtitle B—Amendments to Title 18, United States Code

Sec. 211. Renaming of basic Federal trafficking statute.
Sec. 212. Clarifying trafficking definitions and prosecution.
Sec. 213. Fighting sex tourism.
Sec. 214. Identification documents.
Sec. 215. Fraud in foreign labor contracting as a Rico Predicate.

Subtitle C—Amendments to the Immigration and Nationality Act

Sec. 221. Harmonization of T and U visa standards.

Subtitle D—Amendments to Other Laws

Sec. 231. Enhancing efforts to combat the trafficking of children.
Sec. 232. Improving local efforts to combat trafficking and sexual exploitation of children.
Sec. 233. Efforts to publicize the National Human Trafficking Resource Center hotline.
Sec. 234. Prevention of trafficking in persons involving workers recruited abroad.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Trafficking Victims Protection Act of 2000.
Sec. 303. Reporting requirement.
TITLE I—COMBATING INTERNATIONAL TRAFFICKING IN PERSONS

SEC. 101. AUTHORITY TO RESTRICT PASSPORTS.

(a) IN GENERAL.—The Secretary of State is authorized to—

(1) limit to 1 year or such period of time as the Secretary of State shall determine appropriate the period of validity of a passport issued to a sex offender; and

(2) revoke the passport or passport card of an individual who has been convicted by a court of competent jurisdiction in a foreign country of a sex offense.

(b) LIMITATION FOR RETURN TO UNITED STATES.—Notwithstanding subsection (a), in no case shall a United States citizen convicted by a court of competent jurisdiction in a foreign country of a sex offense be precluded from entering the United States due to a passport revocation under such subsection.

(c) REAPPLICATION.—An individual whose passport or passport card was revoked pursuant to subsection (a)(2) may reapply for a passport or passport card at any time after such individual has returned to the United States.
(d) Definitions.—For purposes of this section:

(1) Sex Offender.—The term “sex offender” means an individual who is listed on the National Sex Offender Registry established pursuant to section 119 of the Sex Offender Registration and Notification Act (42 U.S.C. 16915).

(2) Sex Offense.—The term “sex offense” means a sex offense as defined in section 111(5) of the Sex Offender Registration and Notification Act (42 U.S.C. 16915).

SEC. 102. Office to Monitor and Combat Modern Slavery and Other Forms of Human Trafficking.

(a) In General.—Section 105(e) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(e)) is amended—

(1) in the heading, by striking “Office to Monitor and Combat Trafficking” and inserting “Office To Monitor and Combat Modern Slavery and Other Forms of Human Trafficking”;

(2) in paragraph (1), in the first sentence, by striking “Office to Monitor and Combat Trafficking” and inserting “Office To Monitor and Com-
bat Modern Slavery and Other Forms of Human Trafficking”; and

(3) in paragraph (2)(B), by striking “Office to Monitor and Combat Trafficking” each place it appears and inserting “Office To Monitor and Combat Modern Slavery and Other Forms of Human Trafficking”.

(b) CONFORMING AMENDMENTS.—Any reference in the Trafficking Victims Protection Act of 2000 or in any other Act to the Office to Monitor and Combat Trafficking or to the Director of the Office to Monitor and Combat Trafficking shall be deemed to be a reference to the Office To Monitor and Combat Modern Slavery and Other Forms of Human Trafficking or to the Director of the Office To Monitor and Combat Modern Slavery and Other Forms of Human Trafficking, respectively.

SEC. 103. PREVENTION OF TRAFFICKING.

(a) ECONOMIC ALTERNATIVES TO PREVENT AND DETER TRAFFICKING.—Section 106(a) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(a)) is amended—

(1) by striking “The President” and inserting the following:

“(1) IN GENERAL.—The President”;
(2) in paragraph (1) (as redesignated), by inserting “targeted” after “carry out”;

(3) by striking “Such initiatives” and inserting the following:

“(2) INITIATIVES.—Such initiatives”.

(4) by redesignating paragraphs (1) through (5) that follow paragraph (2) (as redesignated) as subparagraphs (A) through (E), respectively, and indenting each such subparagraph (as redesignated) four ems from the left margin;

(5) in paragraph (2) (as redesignated)—

(A) in subparagraph (A) (as redesignated), by inserting “and micro-enterprise” after “microcredit”; 

(B) in subparagraph (D) (as redesignated), by striking “and” at the end;

(C) in subparagraph (E) (as redesignated), by striking the period at the end and inserting “; and” ; and

(D) by adding at the end the following:

“(F) public-private partnerships to generate youth employment opportunities.”; and

(6) by adding at the end the following:

“(3) PRIORITY FOR POTENTIAL VICTIMS OF TRAFFICKING.—In carrying out such initiatives, the
President may give priority to the following persons who are potential victims of trafficking:

“(A) Stateless persons.

“(B) Refugees and internally displaced persons.

“(C) Persons who lack access to legal representation or are otherwise marginalized.

“(D) Persons from regions of limited social protections or educational or economic options for women, particularly persons who are victims of sexual abuse or exploitation.

“(E) Persons from regions of high undocumented migration or displacement resulting from violent conflict or natural disasters.

“(F) Persons from regions with high rates of child labor, child abandonment, or child sex tourism.

“(G) Persons who meet one or more of the criteria in subparagraphs (A) through (F).”.

(b) PREVENTION OF TRAFFICKING IN CONJUNCTION WITH POST-CONFLICT AND HUMANITARIAN EMERGENCY ASSISTANCE.—Section 106(h) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(h)) is amended—

(1) by striking “The” and inserting the following:
“(1) Incorporation of measures into existing programs.—The”; and

(2) by adding at the end the following:

“(2) Authorization of assistance to specifically address post-conflict and humanitarian emergencies.—The Secretary of State, acting through the Director of the Office To Monitor and Combat Modern Slavery and Other Forms of Human Trafficking, is authorized to provide assistance on an urgent basis for vulnerable populations at risk of severe forms of trafficking in persons in conjunction with post-conflict situations and humanitarian emergencies.”.

SEC. 104. REPORTS TO CONGRESS.

Section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting “, acting through the Director of the Office To Monitor and Combat Modern Slavery and Other Forms of Human Trafficking,” after “Secretary of State”;  

(B) in subparagraph (E), by striking “and” at the end;
(C) by redesignating subparagraph (F) as subparagraph (I); and

(D) by inserting after subparagraph (E) the following:

“(F) a section entitled ‘Best Practices in Slavery Eradication’ to highlight innovations in prevention, protection, and prosecution of the perpetrators of trafficking, as well as public-private partnerships;

“(G) a section entitled ‘Refugee-Trafficking Connection’ to highlight the vulnerability of refugee populations to human trafficking and to make recommendations for the prevention of refugee trafficking;

“(H) an assessment of the actions taken by the Department of State and the Department of Justice to investigate allegations of trafficking or abuse of nonimmigrants holding an A–3 visa or a G–5 visa (as such terms are defined in section 203(f) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008), results of such investigations; and”;

(2) in paragraph (2), by inserting “, acting through the Director of the Office To Monitor and
SEC. 105. TEMPORARY INCREASE IN FEE FOR CERTAIN CONSULAR SERVICES.

Section 239(c) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1351 note) is amended by striking “the date that is 3 years after the first date on which such increased fee is collected” and inserting “September 30, 2013”.

SEC. 106. ADDITIONAL ACTIVITIES TO MONITOR AND COMBAT FORCED LABOR AND CHILD LABOR.

Section 105(b) of the Trafficking Victims Protection Reauthorization Act of 2005 (22 U.S.C. 7112(b)) is amended—

(1) in paragraph (1), by inserting “and the United States” after “foreign countries”; 

(2) in paragraph (2)(C)—

(A) by inserting “and Congress” after “public”;

(B) by inserting “, including the United States,” after “countries”; and

(C) by adding at the end before the semicolon the following: “, including goods that are produced with inputs that are produced with forced labor or child labor, and, to the extent
practicable, to identify persons or businesses
that produce such goods’’; and
(3) by adding at the end the following:
“(3) LIST OF GOODS AND IDENTIFICATION OF
PERSONS OR BUSINESSES.—The list of goods and
identification of persons or businesses that produce
such goods described in paragraph (2)(C) shall be
made available to the public and provided to Con-
gress not later than April 1, 2012, and updated not
less than every two years thereafter.’’.

SEC. 107. ENHANCING PROTECTION FOR CHILDREN EX-
PLOITED ABROAD BY UNITED STATES CITI-
ZENS AND PERMANENT RESIDENT ALIENS.

Section 2423 of title 18, United States Code, is
amended—
(1) in subsection (c)—
(A) by inserting “or engages in travel af-
flecting” before “foreign commerce”; and
(B) by inserting “(even if residing, whether
temporarily or permanently, in a foreign juris-
diction)” after “foreign commerce”; and
(2) by inserting after subsection (g) the fol-
lowing:
“(h) NON-DEFENSES.—It is not a defense to a pros-
ceution under subsection (c), based on illicit sexual con-
duct, that the defendant is not criminally liable or is sub-
ject to reduced criminal liability due to the de jure or de
facto acceptance of the illicit conduct in the foreign juris-
diction in which the defendant travels or resides.”.

TITLE II—COMBATING TRAFFICKING IN PERSONS IN THE 
UNITED STATES

Subtitle A—Amendments to the 
Trafficking Victims Protection Act of 2000

SEC. 201. INTERAGENCY TASK FORCE TO MONITOR AND 
COMBAT TRAFFICKING.

(a) APPOINTMENT.—Section 105(b) of the Traff-
ficking Victims Protection Act of 2000 (22 U.S.C. 
7103(b)) is amended by inserting after “Education,” the 
following: “the Director of the Peace Corps,”.

(b) REPORT ON ACTIVITIES OF GOVERNMENT CON-
TRACTORS AND SUBCONTRACTORS.—Section 105(d)(7) of 
the Trafficking Victims Protection Act of 2000 (22 U.S.C. 
7103(d)(7)) is amended—

(1) in subparagraph (H)(iii), by striking the 
semicolon at the end and inserting the following: “,
including whether—

“(I) employee handbooks or 
handbook equivalents of such govern-
ment contractors and subcontractors describe the United States Government’s zero-tolerance policy regarding trafficking in persons and the actions, up to and including termination, that the employer will take against its employees for violations of the zero-tolerance policy; and

“(II) any employees of such government contractors or subcontractors have been disciplined or terminated or prosecuted for violation of the zero-tolerance policy;”; and

(2) in subparagraph (I)(i), by adding at the end before the semicolon the following: “, including the extent to which Federal departments and agencies have terminated any contracts of United States Government’s contractors or subcontractors based on a trafficking in persons offense and whether any employees of any United States Government’s contractor or subcontractor have been disciplined, terminated, or prosecuted for violation of the zero-tolerance policy”.

(c) REPORT ON ACTIVITIES OF BUREAU OF JUSTICE ASSISTANCE.—Section 105(d)(7) of the Trafficking Vic-
times Protection Act of 2000 (22 U.S.C. 7103(d)(7)), as amended by subsection (b) of this section, is further amended—

(1) in subparagraph (I), by striking “and” at the end;

(2) in subparagraph (J), by striking the period at the end and inserting “; and”;

(3) by adding the following:

“(K) with regard to grant activities of the Bureau of Justice Assistance—

“(i) for each human trafficking taskforce whose operations are supported by grants from the Department of Justice, the number of reports of trafficking, investigations of trafficking, T- and U-visa certifications requested and granted in connection with instances of trafficking, requests for continuation of presence under 107(c)(A)(iii) and grants of the same;

“(ii) a description of the data described in clause (i) classified by certain identifying information of each trafficking victim including sex, age, citizenship, and whether that individual was the victim of
trafficking for purposes of labor or for
commercial sex; and

“(iii) an outline of the content of any
existing protocols of the human trafficking
taskforce for reporting trafficking and
points of entry into the criminal investiga-
tion and service provision collaboration.”.

SEC. 202. DEPARTMENT OF DEFENSE DIRECTOR OF ANTI-
TRAFFICKING POLICIES.

Section 105 of the Trafficking Victims Protection Act
of 2000 (22 U.S.C. 7103) is amended by adding at the
end the following:

“(g) DEPARTMENT OF DEFENSE DIRECTOR OF
ANTI-TRAFFICKING POLICIES.—

“(1) ESTABLISHMENT.—The Secretary of De-
Fense shall designate within the Office of the Sec-
retary of Defense a Director of Anti-Trafficking
Policies (hereinafter in this subsection referred to as
the ‘Director’).

“(2) GENERAL DUTIES.—The Director shall be
responsible for overseeing the implementation within
the Department of Defense of policies relating to
trafficking in persons, including policies of the De-
partment and policies of the Federal Government
(including policies contained in National Security

•HR 2830 IH
Presidential Directive 22) as they relate to the Department. The Secretary may not assign to the Director any responsibilities not related to trafficking in persons.

“(3) SPECIFIC DUTIES.—The Director shall, in consultation with other relevant elements of the Department of Defense—

“(A)(i) ensure the proper handling of cases, including disciplinary action, prosecution and contract termination, where a member of the Armed Forces or an employee or contractor of the Department is alleged to have engaged in or facilitated an act of trafficking in persons and in such cases encourage, as appropriate, implementation of chapter 212 of title 18, United States Code (commonly referred to as the Military Extraterritorial Jurisdiction Act of 2000) and this Act;

“(ii) oversee the enforcement of—

“(I) Defense Federal Acquisition Instruction 952.222–0001 (‘Prohibition Against Human Trafficking, Inhumane Living Conditions, and Withholding of Employees Passports’) (July 2010),
“(II) Defense Federal Acquisition Instruction 952.225–0004 (‘Compliance with Laws and Regulations’) (July 2010), and

“(III) Defense Federal Acquisition Instruction 252.225–7997 (‘Additional Requirements and Responsibilities Relating to Alleged Crimes by or Against Contractor Personnel in Iraq or Afghanistan’) (Deviation 2010–00014) (August 2010),

each as in effect on July 31, 2011; and

“(iii) maintain a database of those cases determined to be in violation of the statutes referenced in clause (i) and regulations referenced in clause (ii);

“(B) ensure that training materials and instructional programs relating to trafficking in persons are developed and used by the military departments;

“(C) consult regularly with academicians, faith-based organizations, multilateral organizations, nongovernmental organizations, and others with expertise in combating trafficking in persons, regarding the Department’s implement-
tation of policies relating to trafficking in persons;

“(D) conduct surveys of members of the Armed Forces and of employees of the Department to assess attitudes and knowledge regarding trafficking in persons and use the results of those surveys to develop training materials and instructional programs relating to trafficking in persons;

“(E) ensure that trafficking in persons is included as an intelligence requirement in peacekeeping missions that track organized crime;

“(F) establish a mechanism to ensure that neither the Department nor any contractor (or subcontractor at any tier) of the Department rehires an employee of such a contractor (or subcontractor) who engaged in a severe form of trafficking in persons while the contract is in effect;

“(G) include the subject of trafficking in persons in military-to-military contact programs;

“(H) in consultation with the Office of the Inspector General of the Department, inves-
tigate links between trafficking in persons and
deployments of members of the Armed Forces
and contractors of the Department;

“(I) consult with contractors of the De-
partment on programs to prevent trafficking in
persons and on accountability structures relat-
ing to trafficking in persons; and

“(J) perform such other related duties as
the Secretary may require.

“(4) RESOURCES.—The Secretary of Defense
shall ensure the Director has sufficient staff and re-
sources to carry out the general and specific duties
described in this subsection.

“(5) RANK.—The Director shall have the rank
of Assistant Secretary.”.

SEC. 203. ASSISTANCE FOR VICTIMS OF TRAFFICKING.

(a) BENEFITS AND SERVICES.—Section
107(b)(1)(B) of the Trafficking Victims Protection Act of
2000 (22 U.S.C. 7105(b)(1)(B)) is amended—

(1) by inserting “an alien classified as a non-
immigrant under section 101(a)(15)(U)(i) of the Im-
migration and Nationality Act by reason of criminal
activity that is trafficking” before “, and aliens clas-
sified as a nonimmigrant under section
101(a)(15)(T)(ii)”; and
(2) by inserting after “and aliens classified as
a nonimmigrant under section 101(a)(15)(T)(ii)”
the following: “of the Immigration and Nationality
Act”.

(b) CONFORMING AMENDMENT.—Section
107(b)(1)(A) of the Trafficking Victims Protection Act of
2000 (22 U.S.C. 7105(b)(1)(A)) is amended—

(1) by inserting “an alien classified as a non-
immigrant under section 101(a)(15)(U)(i) of the Im-
migration and Nationality Act by reason of criminal
activity that is trafficking” before “, or an alien
classified as a nonimmigrant under section
101(a)(15(T)(ii)”; and

(2) by inserting after “an alien classified as a
nonimmigrant under section 101(a)(15(T)(ii)” the
following: “of the Immigration and Nationality Act”.

SEC. 204. ENSURING TIMELY RESPONSE TO REQUESTS FOR
CONTINUED PRESENCE.

Section 107(c)(3)(A)(i) of the Trafficking Victims
Protection Act of 2000 (22 U.S.C. 7105 (c)(3)(A)(i)) is
amended—

(1) by inserting “or may be a victim of a severe
form of trafficking” before “and may be a potential
witness”; and
(2) by adding after the period at the end the following: “If a request for continued presence is made to a Federal law enforcement official, such official shall respond to the request not later than 15 days after the date on which such request was made, stating whether the official has filed the application for continued presence with the Secretary of Homeland Security and, if not, whether the official expects to do so. Not later than one month after the date on which such an application is filed, the Secretary of Homeland Security shall approve or deny that application.”.

SEC. 205. REPORT TO CONGRESS.

Section 110(b) of the Trafficking Victims Protection Act of 2000 (7107(b)) is amended by adding at the end the following:

“(5) ADDITIONAL REPORTING REQUIREMENT.— In addition to the information required in the annual report under paragraph (1) and the interim report under paragraph (2), the Secretary of State shall include in each such report a description of efforts of the United States to comply with minimum standards for the elimination of trafficking.”.
Subtitle B—Amendments to Title 18, United States Code

SEC. 211. RENAMING OF BASIC FEDERAL TRAFFICKING STATUTE.

(a) In General.—The section heading for section 2422 of title 18, United States Code, is amended by striking “Coercion and enticement” and inserting “Sex trafficking and related offenses”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 117 of title 18, United States Code, is amended so that the item relating to section 2422 reads as follows:

“2422. Sex trafficking and related offenses.”.

SEC. 212. CLARIFYING TRAFFICKING DEFINITIONS AND PROSECUTION.

(a) In General.—The section heading for section 1591 of title 18, United States Code, is amended in the section heading, by striking “Sex trafficking of children or by force, fraud, or coercion” and inserting “Severe forms of trafficking in persons”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 77 of title 18, United States Code, is amended so that the item relating to section 1591 reads as follows:

“1591. Severe forms of trafficking in persons.”.
SEC. 213. FIGHTING SEX TOURISM.

The heading for subsection (d) of section 2423 of title 18, United States Code, is amended by striking “Ancillary offenses” and inserting “Child sex tourism”.

SEC. 214. IDENTIFICATION DOCUMENTS.

(a) In general.—Chapter 77 of title 18, United State Code, is amended by adding at the end the following:

“SEC. 1597. UNLAWFUL CONDUCT WITH RESPECT TO IMMIGRATION DOCUMENTS.

“(a) Destruction, Concealment, Removal, Confiscation, or Possession of Immigration Documents.—It shall be unlawful for any person to knowingly destroy, or, for a period of more than 48 hours, conceal, remove, confiscate, or possess, an actual or purported passport, other immigration, or personal identification document of another individual—

“(1) in the course of a violation of section 1351 of this title or section 274 of the Immigration and Nationality Act (8 U.S.C. 1324);

“(2) with intent to violate section 1351 of this title or section 274 of the Immigration and Nationality Act (8 U.S.C. 1324); or

“(3) in order to, without lawful authority, maintain, prevent, or restrict the labor of services of the individual.
“(b) PENALTY.—Whoever violates subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

“(c) OBSTRUCTION.—Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties described in subsection (b).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 77 of title 18, United States Code, is amended by adding at the end the following:

“1597. Unlawful conduct with respect to immigration documents.”.

SEC. 215. FRAUD IN FOREIGN LABOR CONTRACTING AS A RICO PREDICATE.

Section 1961 of title 18, United States Code, is amended in paragraph (1)(B) by inserting “section 1351 (fraud in foreign labor contracting),” after “section 1344 (relating to financial institution fraud),”.

Subtitle C—Amendments to the Immigration and Nationality Act

SEC. 221. HARMONIZATION OF T AND U VISA STANDARDS.

(a) INADMISSIBILITY.—Section 212(d)(13) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(13)) is amended—

(1) in subparagraph (A), by adding at the end the following: “The Secretary of Homeland Security, in the Secretary’s discretion, may waive the applica-
tion of subsection (a) (other than paragraph (3), (4), (10)(C), and (10)(E) of such subsection) in the case of a nonimmigrant described in section 101(a)(15)(T), if the Secretary of Homeland Security considers it to be in the public or national interest to do so.”;

(2) by striking “(13)(A) The Secretary” and inserting “(13) The Secretary”; and

(3) by striking subparagraph (B).

(b) ADJUSTMENT OF STATUS.—Section 245(l)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1255(l)(2)(B)) is amended by striking “, if the activities rendering the alien inadmissible under the provision were caused by, or were incident to, the victimization described in section 101(a)(15)(T)(i)(I)”.

Subtitle D—Amendments to Other Laws

SEC. 231. ENHANCING EFFORTS TO COMBAT THE TRAFFICKING OF CHILDREN.

(a) COMBATING CHILD TRAFFICKING AT THE BORDER AND PORTS OF ENTRY OF THE UNITED STATES.—

(A) in clause (ii), by striking “and” at the end;

(B) in clause (iii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(iv) the return of such child to the child’s country of nationality or of last habitual residence would not endanger the life or safety of such child.”.

(2) Section 235(a)(4) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)(4)) is amended—

(A) by inserting “To the extent feasible, unaccompanied alien children should be housed and screened by an immigration officer with expertise in child welfare in separate child-friendly facilities conducive to disclosing information related to human trafficking or exploitation.” before “If the child does not meet such criteria”; and

(B) by adding at the end the following: “In the course of building or remodeling existing immigration facilities, consideration should be given to including separate child-friendly space
conducive to disclosing information relating to human trafficking or exploitation.”.

(3) Section 235(a)(5) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)(5)) is amended by adding at the end the following:

“(E) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of the Trafficking Victims Protection Reauthorization Act of 2011, and annually thereafter, the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services and Secretary of State, shall report to Congress the following:

“(i) The number of alien children encountered by U.S. Customs and Border Protection.

“(ii) The number of alien children screened for severe forms of human trafficking.

“(iii) Whether the screening was conducted by an individual with expertise in child welfare.
“(iv) How many of these children were repatriated and how many were diverted into services.”.

(b) COMBATING CHILD TRAFFICKING AND EXPLOITATION IN THE UNITED STATES.—Section 235(b)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b)(2)) is amended by striking “within 48 hours” and inserting “within 24 hours”.

(c) PROVIDING SAFE AND SECURE PLACEMENTS FOR CHILDREN.—

(1) Section 235(c)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(2)) is amended by adding at the end the following: “The Secretary of Homeland Security shall either release, pursuant to the Secretary’s sole discretion, or place in the least restrictive setting an alien who—”

“(A) has been placed under this paragraph as a child;

“(B) has demonstrated that he or she is not a danger to the community or a flight risk; and

“(C) has become ineligible, by reason of age, for placement as a child.”.
(2) Section 235(c)(3)(B) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(3)(B)) is amended as follows:

(A) After “is first necessary.” insert the following: “If the sponsor is a parent, a home study shall be conducted where there are allegations of current or past abuse or neglect of the child by the parent or where, based on all available objective evidence, the parent clearly presents a risk of abuse, maltreatment, exploitation, or trafficking to the child.”.

(B) Strike “A home study” and insert the following: “If the sponsor is anyone other than the parent, a home study”.

(C) Strike “shall conduct follow-up services” and all that follows through “for whom a home study was conducted” and insert the following: “shall provide at least 1 visit for follow-up services on all children not later than 45 days after placement.”.

(3) Section 235(c)(6) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(6)) is amended as follows:
(A) Strike “The Secretary” and insert the following:

“(A) APPOINTMENT.—The Secretary”.

(B) Insert after subparagraph (A) the following:

“(B) PILOT PROGRAM.—Not later than 1 year after the date of enactment of the Trafficking Victims Protection Reauthorization Act of 2011, the Secretary shall establish pilot programs in 3 States to provide the services of independent child advocates for child trafficking victims and other vulnerable unaccompanied alien children.

“(C) REPORT.—Not later than 1 year after the date of enactment of the Trafficking Victims Protection Reauthorization Act of 2011 and annually thereafter, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives describing the activities undertaken by the Secretary to appoint independent child advocates for vulnerable unaccompanied alien children.”.

(d) PERMANENT PROTECTION FOR CERTAIN AT-RISK CHILDREN.—Section 235(d)(4) of the William Wil-
berforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(d)(4)) is amended as follows:

(1) In subparagraph (A)—

(A) by inserting “has been granted status under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)) or who” before “has been granted”; and

(B) by inserting “to the same extent as an alien admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157)” before “until the earlier of”.

(2) In subparagraph (B)—

(A) by inserting “who has been granted status under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)) or who” before “has been granted”; and

(B) by striking “Subject to the availability of appropriations, if” and inserting “If”.

SEC. 232. IMPROVING LOCAL EFFORTS TO COMBAT TRAFFICKING AND SEXUAL EXPLOITATION OF CHILDREN.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—
(1) in paragraph (32), by striking “and” at the end;

(2) in paragraph (33), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(34) not later than January 1, 2013, describes State child welfare existing practice and future plans regarding prevention measures and victim assistance related to the human trafficking and commercial sexual exploitation of foreign, United States citizen and legal resident children including—

“(A) collaborations with local and State agencies and non-profit organizations to identify and care for children believed or confirmed to be, or at-risk of becoming victims of a severe form of human trafficking;

“(B) training for the child welfare employees who are likely to come into contact with child victims of human trafficking;

“(C) jurisdictional limits and other issues that hinder State child welfare response to aid child victims of human trafficking;

“(D) data collection regarding children identified by child welfare services as victims of
trafficking and, if known, relationship to exploiter; and

“(E) prevention education to families and at-risk children, including runaway and homeless youth, regarding human trafficking and commercial sexual exploitation.”.

SEC. 233. EFFORTS TO PUBLICIZE THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE.

(a) GRANTEE HOTLINE INFORMATION.—The Attorney General shall consult with the Secretary of Health and Human Services to make reasonable efforts to distribute information to enable grantees under section 107(b) of the Trafficking Victims Protection Act of 2000 to publicize the National Human Trafficking Resource Center hotline on their Web sites, within the program’s headquarters as well as field offices across the United States.

(b) HOTLINE INFORMATION.—

(1) IN GENERAL.—The Secretary of Health and Human Services, in coordination with the Attorney General, shall make reasonable efforts to encourage States to adopt legislation to raise public awareness of the National Human Trafficking Resource Center hotline in every mandated establishment where victims of human trafficking may possibly work or visit.
(2) Posting of model hotline information.—The legislation described in paragraph (1) should include a requirement that information relating to the National Human Trafficking Resource Center hotline be posted in accordance with the following specifications:

(A) Poster location.—The poster should be publicly displayed in a conspicuous place near the entrance of mandated establishments or where such posters and notices are customarily posted in such establishments.

(B) Poster specifications.—The poster should be no smaller than 8 1/2 by 11 inches in size and state the following: “If you or someone you know is being forced to engage in any activity and cannot leave—whether it is commercial sex, housework, farm work, or any other activity—call the National Human Trafficking Resource Center Hotline at 1–888–373–7888 to access help and services. Victims of human trafficking are protected under United States and State law. The Hotline is: Available 24 hours a day, 7 days a week. Toll-free. Operated by a non-profit, nongovernmental organization. Anonymous & Confidential. Accessible in 170
languages. Able to provide help, referral to services, training, and general information.”.

(C) LANGUAGES.—The poster should be printed in English, Spanish, and any other languages required by the Voting Rights Act in the county in which the poster will be posted.

(D) NOTICE.—The licensing authority should provide each mandated establishment with notice of this section and with the required poster upon licensing and should place the poster on its public Web site for mandated establishments to print as needed.

(3) DEFINITION OF MANDATED ESTABLISHMENT.—For purposes of this section, a “mandated establishment” means—

(A) a massage parlor, spa, or other similar establishment;

(B) an establishment that receives a liquor license;

(C) a strip club or other sexually oriented business;

(D) a restaurant;

(E) an airport;

(F) a train station;

(G) a bus station;
(H) a highway truck stop;
(I) a highway rest stop;
(J) a hospital, HMO, or urgent care center;
(K) a farm;
(L) a high school; or
(M) a job recruitment center.

SEC. 234. PREVENTION OF TRAFFICKING IN PERSONS INVOLVING WORKERS RECRUITED ABROAD.

(a) FINDINGS.—Congress makes the following findings:

1. Foreign labor contractors are increasingly relied upon to facilitate the movement of labor from one country to another.

2. While many foreign labor contractors behave ethically and are engaged in lawful conduct, certain foreign labor contractors are often complicit with or directly involved in trafficking of workers.

3. Some contractors charge exorbitant fees for their services, force workers into debt bondage, falsify documents, and deceive workers about their terms and conditions of work, increasing workers’ vulnerability to human trafficking.

4. Stricter regulation of labor recruiters is needed to protect workers entering the United States.
States from human trafficking and other abuses. Stronger legal frameworks will ensure the integrity of the American economy, which is undermined when unregulated actors conspire to fraudulently deceive workers about the terms and conditions of work.

(b) Definitions.—In this section:

(1) Foreign labor contractor.—The term “foreign labor contractor” means any person who performs any foreign labor contracting activity, including any person who performs foreign labor contracting activity wholly outside of the United States, except that the term does not include a United States governmental entity of the United States Government.

(2) Foreign labor contracting activity.—The term “foreign labor contracting activity” means recruiting, soliciting, hiring, employing, managing, or furnishing, processing visa applications for, transporting, or housing an individual who resides outside of the United States to be employed in the United States, including when such activity occurs wholly outside of the United States.

(3) Person.—The term “person” means any natural person or any corporation, company, firm, partnership, joint stock company or association or
other organization or entity (whether organized
under law or not), including municipal corporations.

(4) SECRETARY.—The term “Secretary” means
the Secretary of Labor.

(5) WORKER.—The term “worker” means an
individual who is the subject of foreign labor con-
tracting activity.

(c) DISCLOSURE.—Any person who engages in for-
eign labor contracting activity shall ascertain and disclose
in writing in English and in the language of the worker
being recruited, to each worker who is recruited for em-
ployment, at the time of the worker’s recruitment, the fol-
lowing information:

(1) The identity of the employer and the iden-
tity of the person conducting the recruiting on be-
half of the employer, including any subcontractor or
agent involved in such recruiting.

(2) A signed copy of the work contract, includ-
ing all assurances and terms and conditions of em-
ployment, from the prospective employer for whom
the worker is being recruited. The contract shall in-
clude—

(A) the level of compensation to be paid;

(B) the place and period of employment;
(C) a description of the type and nature of employment activities;

(D) any withholdings or deductions from compensation, whether on behalf of a government, the employer, or a third party; and

(E) any penalties for early termination of employment.

(3) The type of visa under which the foreign worker is to be employed, the length of time the visa is valid, the terms and conditions under which this visa may be renewed with a clear statement that there is no guarantee that the visa will be renewed by the United States Government, whether or not the employer will apply for renewal of the worker’s visa and any expenses that the worker may incur with securing or renewing the visa.

(4) An itemized list of any costs or expenses to be charged to the worker, including but not limited to—

(A) the costs of housing or accommodation, transportation to and from the worksite, meals, medical examinations, healthcare or safety equipment costs; and

(B) any other costs, expenses or deductions to be charged the worker.
(5) A statement, in a form specified by the Secretary—

(A) stating that no foreign labor contractor, or agent or employee of a foreign labor contractor, can lawfully assess any fee (including visa fees, processing fees, transportation fees, legal expenses, placement fees, and other costs) to a worker for any foreign labor contracting activity; and that the employer may bear such costs or fees for the foreign labor contractor, but that these fees cannot be assessed along to the worker;

(B) explaining that—

(i) no additional requirements or changes may be made from the terms of the contract originally signed by the worker unless the worker is provided at least 48 hours to review and consider the additional requirements or changes;

(ii) no such additional requirements or changes can be made to the original contract signed by the worker without the specific consent of the worker to each such additional requirement or change; and
(iii) such consent must be obtained voluntarily and without threat of penalty or will be viewed as a violation of law subject to the provisions of subsection (i); and

(C) describing the protections afforded the worker by this section and by the Trafficking Victims Protection Act of 2000 (Division A of the Public Law 106-486) and any applicable guest worker program, including relevant information about the procedure for filing a complaint provided for in subsection (i) and telephone number for the national human trafficking resource center hotline number.

(6) Any education or training to be provided or required, including the nature, timing and cost of such training and the person who will pay such costs, whether the training is a condition of employment, continued employment, or future employment; and whether the worker will be paid or remunerated during the training period, including the rate of pay.

(7) Any other information that the Secretary may require by regulation.

(d) RESTRICTION.—No foreign labor contractor or employer who engages in foreign labor contracting activity shall knowingly provide materially false or misleading in-
formation to any worker concerning any matter required to be disclosed under subsection (e). The disclosure required by this section is a document concerning the proper administration of a matter within the jurisdiction of a department or agency of the United States for the purposes of section 1519 of title 18, United States Code.

(e) Recruitment Fees.—No foreign labor contractor, or agent or employee of a foreign labor contractor, shall assess any fee (including visa fees, processing fees, transportation fees, legal expenses, placement fees, and other costs) to a worker for any foreign labor contracting activity.

(f) Registration.—

(1) In general.—Before engaging in any foreign labor contracting activity, any person who is a foreign labor contractor or who, for any money or other valuable consideration paid or promised to be paid, performs a foreign labor contracting activity on behalf of a foreign labor contractor, shall obtain a certificate of registration from the Secretary of Labor pursuant to regulations promulgated by the Secretary under paragraph (4).

(2) Exception for certain employers.—An employer, or employee of an employer, who engages in foreign labor contracting activity solely to find
workers for the employer’s own use, and without the participation of any other foreign labor contractor, shall not be required to register under this section. Notwithstanding the preceding sentence, such an employer shall be subject to the requirements of subsections (c), (d), and (e) and shall be subject to the remedies under subsection (i) for all violations stemming from its own foreign labor contracting activity.

(3) Notification.—Not less frequently than once every 2 years, each employer shall notify the Secretary of the identity of any foreign labor contractor involved in any foreign labor contractor activity for, or on behalf of, the employer. Each foreign labor contractor shall notify the Secretary not less frequently than once every 2 years, of the identity of any agent or foreign labor contractor employee involved in any foreign labor contractor activity for, or on behalf of, the foreign labor contractor. The employer shall also notify the Secretary of the identity of such a foreign labor contractor whose activities do not comply with this section.

(4) Issuance.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to establish an efficient electronic process for the timely investigation and
approval of an application for a certificate of registration of foreign labor contractors, including—

(A) requirements under paragraphs (1), (4), and (5) of section 102 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1812);

(B) an expeditious means to update registrations and renew certificates;

(C) providing for the consent of any foreign labor recruiter to the designation by a court of the Secretary as an agent available to accept service of summons in any action against the applicant, if the applicant has left the jurisdiction in which the action is commenced otherwise has become unavailable to accept service or is subject to personal jurisdiction in no State;

(D) providing for consultation with other appropriate Federal agencies to determine whether any reason exists to deny registration to a foreign labor contractor; and

(E) any other requirements that the Secretary may prescribe.

(5) **TERM OF REGISTRATION.**—Unless suspended or revoked, a certificate under this subparagraph shall be valid for 2 years.
(6) Application Fee.—In addition to any other fees authorized by law, the Secretary shall impose a fee, to be deposited in the Treasury, on a foreign labor contractor that submits an application for a certificate of registration under this section on or after the date that is 30 days after the effective date of the regulations promulgated under this subsection. Fees shall be set at a level the Secretary determines will cover the full costs of carrying out foreign labor contract registration activities under this section and any additional costs associated with the administration of the fees collected.

(7) Refusal to Issue; Revocation.—In accordance with regulations promulgated by the Secretary of Labor, the Secretary shall refuse to issue or renew, or shall revoke and debar from eligibility to obtain a certificate of registration for a period of not greater than 5 years, after notice and an opportunity for a hearing, a certificate of registration under this subparagraph if—

(A) the applicant for, or holder of, the certificate has knowingly made a material misrepresentation in the application for such certificate;
(B) the applicant for, or holder of, the certificate is not the real party in interest in the application or certificate of registration and the real party in interest—

(i) is a person who has been refused issuance or renewal of a certificate;

(ii) has had a certificate revoked; or

(iii) does not qualify for a certificate under this paragraph;

(C) the applicant for, or holder of, the certificate has been convicted within the preceding five years of any crime described in subparagraph (A) or (B) of section 103(a)(5) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1813(a)(5)); or

(D) the applicant for, or holder of, the certificate has materially failed to comply with this subsection.

(8) MAINTENANCE OF LISTS.—

(A) IN GENERAL.—The Secretary shall maintain—

(i) a list of all foreign labor contractors registered under this subsection, including the countries from which they recruit, the employers for whom they recruit,
and the States where recruited workers are
employed; and

(ii) a list of all foreign labor contrac-
tors whose certificate of registration the
Secretary has revoked.

(B) PUBLIC AVAILABILITY.—Not less than
every 6 months, the Secretary shall regularly
update the list described in this paragraph and
make the list publicly available including
through continuous publication on the Internet
and in written form at and on the Web sites of
United States embassies in the official language
of that country.

(9) RE-REGISTRATION OF VIOLATORS.—The
Secretary shall establish a procedure by which a for-
egn labor contractor that has had its registration
revoked may seek to re-register under this para-
graph by demonstrating to the Secretary’s satisfac-
tion that the foreign labor contractor has not vio-
lated this subsection in the previous 5 years and
that the foreign labor contractor has taken sufficient
steps to prevent future violations of this subsection.

(g) AMENDMENT TO IMMIGRATION AND NATION-
ALITY ACT.—Section 214 of the Immigration and Nation-
ality Act is amended by adding at the end the following:
“(s) A visa shall not be issued under the subpara-
graph (A)(iii), (B)(i) (but only for domestic servants de-
scribed in clause (i) or (ii) of section 274a.12(e)(17) of
title 8, Code of Federal Regulations (as in effect on De-
cember 4, 2007)), (G)(v), (H), (J), (L), (Q), or (R) of
section 101(a)(15) until the consular officer—

“(1) has provided to and reviewed with the ap-
plicant, in the applicant’s language (or a language
the applicant understands), a copy of the informa-
tion and resources pamphlet required by section 202
of the William Wilberforce Trafficking Victims Pro-
tection Reauthorization Act of 2008; and

“(2) has reviewed and made a part of the visa
file the foreign labor recruiter disclosures required
by section 234(c) of the Trafficking Victims Protec-
tion Reauthorization Act of 2011, including whether
the foreign labor recruiter is registered pursuant to
that section.”.

(h) RESPONSIBILITIES OF SECRETARY OF STATE.—

(1) IN GENERAL.—The Secretary of State shall
ensure that each United States diplomatic mission
has a person who shall be responsible for receiving
information from any worker who alleges to have
been subjected to a severe form of trafficking in per-
sons, as that term is defined in section 103(8) of the
Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(8)).

(2) Provision of Information.—The responsible person shall ensure that the information received is provided to the Department of Justice, the Department of Labor, or any other relevant Federal agency. The Department of Justice and the Department of Labor shall ensure that there is a mechanism for any actions that need to be taken in response to such information.

(i) Enforcement Provisions.—

(1) Complaints and Investigations.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints filed by any person, including complaints respecting a foreign labor contractor’s compliance with this section. The Secretary, either pursuant to the complaint process or otherwise, may investigate employers or foreign labor contractors as necessary to determine such compliance.

(2) Administrative Enforcement.—

(A) In General.—If the Secretary finds, after notice and an opportunity for a hearing, that any foreign labor contractor failed to comply with the requirements of this section, the
Secretary may impose the following against such contractor—

(i) a fine in an amount not more than $10,000 per violation; and

(ii) upon the occasion of a third violation or a failure to comply with representations, a fine of not more than $25,000 per violation.

(B) AUTHORITY TO ENSURE COMPLIANCE.—The Secretary is authorized to take other such actions, including issuing subpoenas and seeking appropriate injunctive relief and recovery of damages, as may be necessary to assure compliance with the terms and conditions of this section.

(C) BONDING REQUIREMENT.—The Secretary may require a foreign labor contractor to post a bond in the amount sufficient to ensure the protection of individuals recruited by the foreign labor contractor.

(3) CIVIL ACTION.—

(A) IN GENERAL.—The Secretary of Labor or any person aggrieved by a violation of this section (or regulations issued under this section) may bring a civil action against any for-
eign labor contractor in any court of competent jurisdiction—

(i) to seek remedial action, including injunctive relief;

(ii) to recover damages on behalf of any worker harmed by a violation of this section; and

(iii) to ensure compliance with requirements of this subsection.

(B) ACTIONS BY THE DEPARTMENT OF LABOR.—

(i) SUMS RECOVERED.—Any sums recovered by the Secretary on behalf of a worker under subparagraph (A)(ii) shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to each worker affected. Any such sums not paid to a worker because of inability to do so within a period of 5 years shall be credited as an offsetting collection to the appropriations account of the Secretary for expenses for the administration of this section and shall remain available to the Secretary until expended or may be transferred to the Secretary of Health and
Human Services for the purpose of providing support to programs that provide assistance to victims of trafficking in persons or other exploited persons.

(ii) REPRESENTATION.—Except as provided in section 518(a) of title 28, United States Code, the Solicitor of Labor may appear for and represent the Secretary of Labor in any civil litigation brought under this paragraph. All such litigation shall be subject to the direction and control of the Attorney General.

(C) ACTIONS BY INDIVIDUALS.—

(i) AWARD.—If the court finds in a civil action filed by an individual under this subsection that the defendant has violated any provision of this section (or any regulation under this section), it may award damages up to and including an amount equal to the amount of actual damages, or statutory damages of up to $1,000 per plaintiff per violation, or other equitable relief, except that with respect to statutory damages—
(I) multiple infractions of a single provision of this section (or of a regulation under this section) shall constitute only 1 violation for purposes of determining the amount of damages due a plaintiff; and

(II) if such complaint is certified as a class action, the court may award damages up to an amount equal to the amount of actual damages, statutory damages of no more than the lesser of up to $1,000 per violation, or up to $500,000, or other equitable relief; and

(III) reasonable attorneys fees and costs.

(ii) CRITERIA.—In determining the amount of statutory damages to be awarded under clause (i), the court is authorized to consider whether an attempt was made to resolve the issues in dispute before the resort to litigation.

(iii) APPEAL.—Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title
28, United States Code (28 U.S.C. 1291 et seq.).

(iv) ACCESS TO LEGAL SERVICES CORPORATION.—Notwithstanding any other provision of law, the Legal Services Corporation and recipients of its funding may provide legal services on behalf of an alien who brings a civil action under this paragraph.

(4) AGENCY LIABILITY.—

(A) IN GENERAL.—Beginning 180 days after the Secretary of Labor has promulgated regulations pursuant to subsection (f)(4), an employer who retains the services of a foreign labor contractor shall only use those foreign labor contractors who are registered under subsection (f). An employer who uses a foreign labor contractor who is not registered under subsection (f) after such time period, or who uses a foreign labor contractor that has violated any provision of this section, shall be subject to the provisions of this subsection for violations committed by such foreign labor contractor to the same extent as if the employer were the for-
eign labor contractor who had committed the violation.

(B) Safe Harbor.—An employer shall not have any liability under this subsection if the employer hires only workers referred by a foreign labor contractor that has a valid registration with the Department of Labor pursuant to subsection (f), the employer does not act with deliberate disregard of the fact that the foreign labor contractor has violated any provision of this section, and if the employer obtained knowledge of a violation of the provisions of this section, it immediately reported the violation to the Secretary.

(5) Retaliation.—

(A) In General.—No person shall intimidate, threaten, restrain, coerce, discharge or in any other manner discriminate or retaliate against any worker or their family members (including a former employee or an applicant for employment) because such worker disclosed information to any person that the worker reasonably believes evidences a violation of this section (or any rule or regulation pertaining to this section), including seeking legal assistance
of counsel or cooperating with an investigation
or other proceeding concerning compliance with
this section (or any rule or regulation per-
taining to this section).

(B) ENFORCEMENT.—An individual who is
subject to any conduct described in subpara-
graph (A) may, in a civil action, recover appro-
priate relief (including reasonable attorneys’
fees) with respect to that violation. Any civil ac-
tion under this subparagraph shall be stayed
during the pendency of any criminal action aris-
ing out of the violation.

(6) PRESENCE DURING PENDENCY OF AC-
TIONS.—The Attorney General and the Secretary of
Homeland Security shall grant parole to the non-
immigrant to remain legally in the United States for
time sufficient to fully and effectively participate in
all legal proceedings related to any action taken pur-
suant to this subsection. Not later than 180 days
after the date of the enactment of this Act, the Sec-
retary of Homeland Security shall promulgate regu-
lations to carry out this provision.

(7) RULE OF CONSTRUCTION.—Nothing in this
section shall be construed to preempt or alter any
other rights or remedies, including any causes of action, available under any other Federal or State law.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. TRAFFICKING VICTIMS PROTECTION ACT OF 2000.

(a) HUMAN SMUGGLING AND TRAFFICKING CENTER.—Section 112A(b)(4) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7109a(b)(4)) is amended by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2012 and 2013”.

(b) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) Section 112B(d) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7109b(d)) is amended by striking “for each of the fiscal years 2008 through 2011, such sums as may be necessary to carry out this section” and inserting “$500,000 for each of the fiscal years 2012 and 2013”.

(2) Section 113 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7110) is amended—

(A) in subsection (a)—

(i) in the first sentence—

(I) by striking “104,”; and

(II) by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2012 and 2013”; and
(ii) in the second sentence, by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2012 and 2013”; (B) in subsection (b)—
   (i) in paragraph (1)—
      (I) by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2012 and 2013”; and
      (II) by adding at the end the following: “Of the amount made available to carry out the purposes of section 107(b) for a fiscal year, not less than two-thirds of such amount shall be used to provide services for victims under such section.”; and
   (ii) in paragraph (2), by striking “Secretary of Health and Human Services” and all that follows and inserting “Secretary of Health and Human Services $7,000,000 for each of the fiscal years 2012 and 2013.”; (C) in subsection (c)(1)—
   (i) in subparagraph (A), by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2012 and 2013”;}
(ii) in subparagraph (B), by striking “fiscal years 2008 through 2011” each place it appears and inserting “fiscal years 2012 and 2013”; and

(iii) in subparagraph (C), by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2012 and 2013”; 

(D) in subsection (d)—

(i) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively;

(ii) in paragraph (1) (as redesignated), by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2012 and 2013”; 

(iii) in paragraph (2) (as redesignated), by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2012 and 2013”; and

(iv) in paragraph (3) (as redesignated), by striking “Attorney General” and all that follows and inserting “Attorney General $7,000,000 for each of the fiscal years 2012 and 2013.”;

(E) in subsection (e)—
(i) in paragraph (1), by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2012 and 2013”; 

(ii) in paragraph (2), by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2012 and 2013”; and 

(iii) in paragraph (3), by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2012 and 2013”; 

(F) in subsection (f), by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2012 and 2013”; 

(G) in subsection (h), by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2012 and 2013”; and 

(H) in subsection (i), by striking “fiscal years 2008 through 2011” and inserting “fiscal years 2012 and 2013”.


The Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164) is amended—

(1) in section 102(b)(7), by striking “$2,500,000 for each of the fiscal years 2008
through 2011’’ and inserting ‘‘$1,500,000 for each
of the fiscal years 2012 and 2013’’;

(2) in section 201(c) by striking ‘‘fiscal years
2008 through 2011’’ each place it appears and in-
serting ‘‘fiscal years 2012 and 2013’’;

(3) in section 202(d), by striking ‘‘fiscal years
2008 through 2011’’ and inserting ‘‘fiscal years
2012 and 2013’’;

(4) in section 203(g) by striking ‘‘$5,000,000
for each of the fiscal years 2008 through 2011’’ and
inserting ‘‘$3,000,000 for each of the fiscal years
2012 and 2013’’; and

(5) in section 204(d), by striking ‘‘$20,000,000
for each of the fiscal years 2008 through 2011’’ and
inserting ‘‘$10,000,000 for each of the fiscal years
2012 and 2013’’.

SEC. 303. REPORTING REQUIREMENT.

Not later than March 31 of 2012 and 2013, the
President shall submit to Congress a report for the prior
fiscal year that shall include—

(1) the amount of appropriations that each de-
partment or agency for which such appropriations
were authorized under the Trafficking Victims Pro-
tection Act of 2000 or the Trafficking Victims Pro-
The Trafficking Victims Protection Reauthorization Act of 2005 directed to activities described in such Acts;

(2) a list of the activities funded through the appropriations identified in paragraph (1), including the responsible department or agency and the section of the Trafficking Victims Protection Act of 2000 or the Trafficking Victims Protection Reauthorization Act of 2005 that authorizes such activity; and

(3) the appropriations account from which each activity described in paragraph (2) was funded and the amount contributed from such account for each activity.